

**United States District Court  
Northern District of New York**

**JUDGMENT**

**DAVID C. KINCAID**

**Plaintiff**

**VS.**

**5:05-CV-216 (NAM) (GHL)**

**COMMISSIONER OF SOCIAL SECURITY**

**Defendant**

**[X] Decision by Court.** This action came to trial or hearing before the Court.  
The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED**

That the report and recommendation of Magistrate Judge George H. Lowe is approved in its entirety, the plaintiff's complaint is sua sponte dismissed for failure to prosecute and/or failure to comply with the Court Orders under rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.2(a) of the Local Rules of Practice for this Court.

All of the above pursuant to the Order of the Honorable Chief Judge Norman A. Mordue dated the th day of June, 2007.

**JUNE 28, 2007**

**DATE**

**LAWRENCE K. BAERMAN**

**CLERK OF COURT**

**s/**

**JOANNE BLESKOSKI  
DEPUTY CLERK**